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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,075	09/29/2000	Gregory Bruce Gillooly	E20000370	9402

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EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/20/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,075

Applicant(s)

GILLOOLY ET AL.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 10-22 remain for examination.
2. Claims 1-9 have been cancelled.

Claim Objections

3. Claim 15 is objected to because of the following informalities: computer-programming code is allowed to be included in the claims as long as the claim it depends on is statutory. However, brief descriptions or comments to the programming code are required for readers to understand the purpose of the codes.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claim 10-14, 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atsatt et al., US Patent Number 6,233,622, hereinafter Atsatt, in view of Niblett et al., US Patent Number 6,336,135, hereinafter Niblett.
6. Referring to claim 10, Atsatt has taught a method for use with commands sent to a network communication coupler by at least one client (Col 3 lines 4-10, Figure 1 item 14) on a network (item 12, Figure 1), connected to said coupler comprising:

designated by at least one client (items 22 and 24, Col 2 lines 48-51 are viewed as coupler that connects to the external computer program, Col 3 lines 37-65), as delayed response command (see Figure 2, commands flow from item 18 to item 24 are viewed as delayed response commands);

storing in said coupler (Col 79 lines 9-16, “creating request and reply objects **in the memory**” is viewed as storing), a first instance (item 32, figure 3) of a template (Col 4 lines 42-44, Col 80 lines 3-4), said first instance used to store in said coupler at least one of said delay response command during execution of said at least one delayed response command by said coupler (Col 3 lines 54-65, and Col 4 lines 31-41, IWebRequest is stored in the coupler as a delayed response command while execution); and

storing (Col 79 lines 9-16, “creating request and reply objects **in the memory**” is viewed as storing) in said coupler a second instance (item 34 Figure 3) of said template (Col 4 lines 42-44, Col 80 lines 3-4), said second instance used to store in said coupler a reply to said at least one delayed response command executed by said coupler (see figure 2, reply is generated when request is executed.)

Atsatt has not explicitly taught wherein means of a predetermined key value provided by said at least one client, and said at least one client using said predetermined key value to retrieve a reply to said command, and the reply is stored until said reply is retrieved by said client.

However, Niblett has taught “client sends (provides) a further communication to the server which references the assigned session identifier

(predetermined key value) ... the server matches the session identifier then sends the stored reply to the client.” And “when a reply is subsequently received from the application program, it is placed in a storage at the server and held until such time as the client sends a further communication to the server.” (Col 6 lines 51-57)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Atsatt such that to store the reply until the said reply is retrieved by the client, and uses the predetermined value provided by client to retrieve a reply as taught by Niblett because both Atsatt and Niblett provide inventions regarding the request and reply command in a client/server environment.

A person with ordinary skill in the art would have been motivated to make the modification to Atsatt because having Atsatt's invention to store the reply until the client retrieves it would allow the server to receive a confirmation from client before it release the reply back to the client, this confirmation would provide an more accurate and safer delivery of command reply, and a predetermined value is required for identifying the intended communication.

7. Referring to claims 11-14, 16-18 Atsatt in view of Niblett has taught an invention as described in claim 1 is implemented in a object-oriented programming environment (Col 1 lines 47-55), claims 2-5 and 7-9 recites the limitation of well known elements in object orientated programming, such as class, template, declaration, parameter list, pointer, enumerated values for boundary and conditions, and constructor, destructor, and access methods, which a person with

ordinary skill in the object oriented programming art would be knowledgeable to come out with the same limitation since all the features described in claims 2-5, 7-9 are well known features in the object oriented programming.

8. Due to uncertainties (as indicate in the claim objection section above) of claims 6 and 15, no art has been applied thereto, see *In re Steele*, 305 F.2d859 134 USPQ 292 (CCPA 1962). The examiner will not speculate as to the intended meaning.
9. Referring to claims 19-22, Claims 19- 22, encompass similar scope of the invention as that of the claim 10, and *Atsatt* has further taught the additional limitation of a second network (Col 2 lines 56-63, computer system 10 is using Internet or other network to connect client to server system, and it is known the Internet is constituted by a plurality of networks, therefore *Atsatt* has taught the limitation of a second network connected to system, and claims 19-22 is rejected for the same reason as the claim 10.

Response to Arguments

10. Applicant's arguments filed 12/12/2003, paper number 6, have been fully considered but they are not persuasive.
11. In that remarks, applicant's argues in substance:
 - a. That: "Applicant notes that *Atsatt* is describing "templates" and thus does not teach, disclose or even suggest a storing of a first instance of a template and a second instance of the template. Page 5 lines 28.

This is not found persuasive because examiner views templates of Atsatt as functions or procedures of a program. And having two procedures of a program is having two instances of a big template.

- b. That: "Niblett teaches a server assigned session identifier which a client can use to retrieve from the server a stored reply. This is not what is taught and claimed by applicant is amended." Page 16 lines 9-12.

This is not found persuasive because although the server assigns the session identifier, however, it is still predetermined key value as claimed by applicant. And since the user use it to retrieve a reply, then the assigned session identifier is provided by user to retrieve a reply.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications.
16. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Liang-che Wang *fw*
January 15, 2004

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER